

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ MAR 15 2010 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
DANIEL ROMERO and JOANN RAGUSA,

Plaintiffs,

-against-

BORDEN EAST RIVER REALTY LLC and  
JOSEPH SIMONE,

Defendants.

-----X  
WILLIAM LEE and SZUYU PAN,

Plaintiffs,

-against-

BORDEN EAST RIVER REALTY LLC and  
JOSEPH SIMONE,

Defendants.

-----X  
KYUNG YEOL SHIN,

Plaintiff,

-against-

BORDEN EAST RIVER REALTY LLC and  
JOSEPH SIMONE,

Defendants.

-----X

JUDGMENT  
09-CV- 0665 (ARR)

09-CV- 1721 (ARR)

09-CV- 0485 (ARR)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
LORA KAYE,

Plaintiff,

09-CV- 1228 (ARR

-against-

BORDEN EAST RIVER REALTY LLC and  
JOSEPH SIMONE,

Defendants.

-----X  
JOHN GAENZLER and SARA MOSCOSO-GAENZLER,

Plaintiffs,

09-CV- 1303 (ARR)

-against-

BORDEN EAST RIVER REALTY LLC and  
JOSEPH SIMONE,

Defendants.

-----X  
ANTHONY ALLICINO,

Plaintiff,

09-CV- 1455 (ARR)

-against-

BORDEN EAST RIVER REALTY LLC and  
JOSEPH SIMONE,

Defendants.

-----X

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JULIE AND DAVID LIEVRE,

Plaintiffs,

09-CV- 1984 (ARR)

-against-

BORDEN EAST RIVER REALTY LLC and  
JOSEPH SIMONE,

Defendants.  
-----X

ZACK FERGUSON-STEGER,

Plaintiff,

09-CV- 1196 (ARR)

-against-

BORDEN EAST RIVER REALTY LLC and  
JOSEPH SIMONE,

Defendants.  
-----X

An Opinion and Order of Honorable Allyne R. Ross, United States District Judge, having been filed on March 12, 2010, finding that defendants' projects are exempt from ILSA's registration and disclosure requirements pursuant to the Hundred Lot Exemption, 15 U.S.C. § 1702(b)(1), and the Improved Lot Exemption, 15 U.S.C. § 1702(b)(2); denying plaintiffs' motions for partial summary judgment seeking rescission of their purchase agreements, return of their deposits, and interest and attorneys' fees; and granting defendants' motions for summary judgment; it is

ORDERED and ADJUDGED that defendants' projects are exempt from ILSA's registration and disclosure requirements pursuant to the Hundred Lot Exemption, 15 U.S.C. § 1702(b)(1), and the Improved Lot Exemption, 15 U.S.C. § 1702(b)(2); that plaintiffs'

JUDGMENT  
09-CV- 0665 (ARR)

motions for partial summary judgment seeking rescission of their purchase agreements, return of their deposits, and interest and attorneys' fees are denied; and that defendants' motions for summary judgment are granted.

Dated: Brooklyn, New York  
March 12, 2010

Robert C. Heinemann  
Clerk of Court

By: Terry Vaughn  
Terry Vaughn  
Chief Deputy of  
Court Operations